

\$DAE #4

PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

RECEIVED

First Named Inventor: *Pankaj B. Patel* Art Unit: *2621*

JUN 22 2004

Application Number: *09/785,775* Examiner: *N/A*

OFFICE OF PETITIONS

Filed: *02/20/2001*

Title: *Biometric Switch and Indicating Means*

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Small entity - fee \$ *55.00* (37 CFR 1.17(I)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(I)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):

☐ has been filed previously on _____.

☐ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been filed previously on _____.

☐ is enclosed herewith.

[Page 1 of 3]

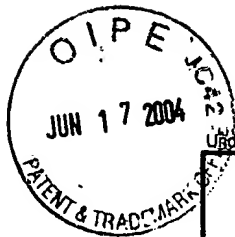
This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

06/18/2004 JADD01 00000047 09785775

01 FC:2452

55.00 DP



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

x 6/14/04
Date

x Pantaj B. Patel
Signature

603-886-9582
Telephone Number

Pantaj B. Patel
Typed or printed name

Registration Number, if applicable

Address

Address

- Enclosure ☒ Fee Payment
☒ Reply
☒ Terminal Disclaimer Form
☒ Additional sheets containing statements establishing unavoidable delay
☐

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

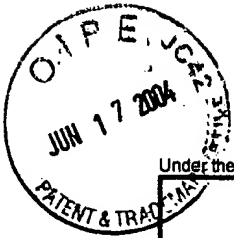
☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

x 6/14/04
Date

x Pantaj B. Patel
Signature

Pantaj B. Patel
Typed or printed name of person signing certificate



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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

x 6/14/04
Date

x Pankaj B. Patel
Signature

Registration Number, if applicable

Pankaj B. Patel
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

*Did not receive notice of Missing Parts
mailed on 9/18/2001*

(Please attach additional sheets if additional space is needed.)



#5

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PTO/SB/62 (08-03)
Approved for use through 07/31/2008. OMB 0651-0031
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

TERMINAL DISCLAIMER TO ACCOMPANY PETITION (Period Specified)	Docket Number (Optional)
<p>In re Application of:</p> <p>Name: <u>Pankaj B. Patel</u></p> <p>Application Number: <u>09/785,775</u></p> <p>Filed: <u>2/20/2001</u></p> <p>For: <u>Biometric switch and Indicating Means</u></p> <p>The owner*, <u>Pankaj Patel</u> of <u>100</u> percent interest in the above-identified application hereby disclaims the terminal _____ months of any patent granted on the above-identified application or on any application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to this application. This disclaimer is binding upon the grantee, its successors or assigns.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the person signing is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p> <p>2. <input type="checkbox"/> The undersigned is an attorney of record.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="width: 45%;"><p><u>603-886-9582</u></p><p>Telephone Number</p><p>_____ Registration Number, if applicable</p></div><div style="width: 45%; text-align: center;"><p><u>Pankaj B. Patel</u> <u>6/14/04</u></p><p>Signature Date</p><p><u>Pankaj B. Patel</u></p><p>Typed or printed name</p></div></div> <p><input type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>* Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</p>	

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-In re Application of:
PANKAJ PATEL

DATE: 06/07/04

Serial No. 09/785,775

Group Art Unit: 2621

Filed: 02/20/2001

Examiner: N/A

For: Biometric Switch and Indicating Means

**PETITION TO WITHDRAW NOTICE OF ABANDONMENT BASED
711.03(c) UPON FAILURE TO RECIEVE LAST OFFICE ACTION UNDER
37 C.F.R. 1.137**

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear GROUP DIRECTOR:

APPLICANT hereby petitions to withdraw holding of abandonment based upon failure to receive notice on 09/18/2001(REPLY to the Notice to File Missing Parts)

Applicant has not received office/notice action as stated in notice of abandonment.

Included is petiton fee to revive, copy of notice of abandonment, terminal disclaimer and certificate of mailing.

Respectfully submitted,

Date 6/14/04

Pankaj B. Patel

Pankaj B. Patel
1900 N. Nebraska Ave.
TAMPA, FL 33602

Or

Pankaj B. Patel
20 COBURN WOODS
NASHUA, NEW HAMPSHIRE, 03063
1-603-886-9582

File: petition WITHDRAWAL